

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARCOS XIQUE and JUAN XIQUE,
individually and on behalf of other similarly
situated,

Plaintiffs,

— against —

DIRCKSEN & TALLEYRAND INC. d/b/a
RIVER CAFÉ and MICHAEL “BUZZY”
O’KEEFE,

Defendants.

Case No. 1:19-cv-01472-LGS

ATTORNEY AFFIRMATION

Galen J. Criscione, ESQ., an attorney admitted to practice before this Court, hereby affirms, under penalty of perjury as follows:

1. I am the attorney with the law firm of Criscione Ravala, LLP, counsel for Plaintiffs.
2. This action was commenced by filing the Summons and Complaint on February 15, 2019.
3. The nature of this action is FLSA violations for unpaid wages, unpaid overtime and liquidated damages, as well as similar violations under New York State law.
4. The Defendant Dircksen & Talleyrand, Inc. was served on February 21, 2019 by personal service upon the restaurant manager. The Defendant Michael “Buzzy” P’Keefe was served on February 21, 2019 by personal service upon the restaurant manager.
5. The Defendants failed to respond to the Summons and Complaint within the prescribed period of time.
6. The undersigned filed proof of service upon Defendants on March 15, 2019.
7. This case has no further procedural history.

8. Because of the nature of the claims, the undersigned requests this Court grant default judgment as to liability and refer the case to a magistrate judge for an inquest on damages.

No part of the judgment sought has been paid to date.

Dated: New York, NY
March 15, 2019

Respectfully Submitted,

/s/ Galen J. Criscione, Esq.

Galen J. Criscione, Esq.

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Attorneys for Plaintiffs